* DEPUTY ZONING COMMISSIONER

(10919 Summit Avenue) 2nd Election District lst Councilmanic District

John Williams

Petitioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* OF BALTIMORE COUNTY

* Case No. 92-92-A

The Petitioner herein requests a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was Lenwood Johnson, Baltimore County Planner. There were

Testimony indicated that the subject property, known as 10919 Summit Avenue, consists of 1.15537 acres zoned R.C.5 and is presently unimproved. Petitioner is desirous of constructing a single family dwelling on the property as depicted on Petitioner's Exhibit 1. Testimony indicated that due to the topography and narrow width of the lot, the requested variances are necessary in order to develop the property. Petitioner testified he has spoken with his neighbors who have no objections to his plans. In support of his request, Petitioner submitted letters from his immediately adjoining neighbors, marked Petitioner's Exhibits 4 and 5, which indicate they have no objections to the requested variance. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Petition for Variance

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1 AO + 3B3 TO PERMIT A SIDE TARD SETBALE

OF 25 FEET IN LIEW OF THE REQUIRED 50 FORT SIDEYARD

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

OF 66 FEET; A 25 FOOT SIDE YARD IS NEEDED TO PLACE THE DWELLING ON THE LOT. HOUSE CANNOT BE TURNED ON END DO TO

Property is to be posted and advertised as prescribed by Zoning Regulations.

STEEP SLIPE, FLUODPLAIN AND FUTURE SEWERAGE AREA,

RESIDENTIAL DWELLING TO BE CONSTRUCTED ONLOT THAS A LENGTH

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this 1, or we, agree to pay expenses of above variance advertising, posting, etc., upon timing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

1/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition.

WILLIAM

BOX 11350 RTE, 29 442-2965

MARRIOTTS VILLE, MARYLAND 21104

ESTIMATED LENGTH OF HEARING (1/2HR.)

AVAILABLE FOR HEARING MON . / TUES . / WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: 500 DATE 9.2 (

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

Legal Owner(s):

to the Zoning Commissioner of Baltimore County

following reasons: (indicate hardship or practical difficulty)

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\frac{35^{-d}}{3}$ day of October, 1991 that the Petition for Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> LAND SURVEYOR 8440 5312 EMERALD DRIVE SYKESVILLE, MARYLAND 21784 PHONE (301) 795-2210

ZONING DESCRIPTION

DESCRIPTION OF JOHN WILLIAMS PROPERTY SITUATED ON THE

BEGINNING FOR THE SAME ON THE CENTERLINE OF SUMMIT AVENUE (20 FOOT RIGHT OF WAY) AT A POINT APPROXIMATELY 1900 FEET

WESTERLY FROM DAVIS AVENUE (40 FOOT RIGHT OF WAY), RUNNING THENCE 5 48° 03' 58"E 418.38, THENCE 5 42° 58' 22"W 120,45', THENCE

H 48° 25' 19" W 408.66' TO THE CENTERLINE OF SUMMIT AVENUE,

THENCE WITH SAID CENTERLINE N 38° 25' 29"E 123.20' TO THE PLACE OF BEGINNING, CONTAINING 1.1524 ACRES MORE OR LESS, BENG KNOWN

1990 AND RECORDED AMONA THE LAND RECORDS OF BALTIMORE COUNTY,

MARYLAND, IN Liber: 8640, Folio: 120 FROM WEBBLEY BUCHANAN AND

BEING ALL OF THE SAME LAND DESCRIBED IN A DEED DATED OCTOBER 24

CERTIFICATE OF POSTING

Location of property: 5 F. 15 at Summer Busine, 1900 5W of

d See Che front of 10219 Summet annue

Davis arena (10919 Summet arenew

seata

Number of Signs:

92-92-A

SOUTHEAST SIDE OF SUMMIT AVENUE, ELECTION DISTRICT 2

William E. Doyle

BALTIMORE COUNTY, MARYLAND

AND DESIGNATED AS 10919 SUMMIT AVENUE

THERESA WILLIAMS TO JOHN WILLIAMS

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its

> Deputy Zoning Commissioner for Baltimore County

TMK:bjs

original condition.

2) Compliance with Department of Environmental Protection and Resource Management, Division of Ground Water Management recommendations and all building code requirements.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County Baltimore County Office of Planning

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

above-captioned matter. The Petition for Zoning Variance has been granted

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

October 23, 1991

887-3353

111 West Chesapeake Avenue

Mr. John Williams

Dear Mr. Williams:

TMK:bjs

cc: Mr. Lenwood Johnson

People's Counsel

Box 11350, Route 99

Marriottsville, Maryland 21104

(10919 Summit Avenue)

Case No. 92-92-A

RE: PETITION FOR ZONING VARIANCE

John Williams - Petitioner

in accordance with the attached Order.

SE/S Summit Avenue, 1900' SW of Davis Road

2nd Election District - 1st Councilmanic District

Towson, MD 21204

CERTIFICATE OF PUBLICATION

The Zoning Commissioner of Selimore County, by authority of the Zoning Act and Regulations of Belimore County will hold a he County Office Building, lo-ated at 111 W. Chesapeake Av-nue in Towson, Maryland 21204 Case Number: 92-92-A SE/S Sumit Avenue, 1900' SW of Davis Road Variance: to permit a side yard setback of 25 feet in lieu of the re-quired 50 foot side yard setback.

Zoning Commissioner of Beltimore County C/J/9/300 September 28.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on _______, 19____

THE JEFFERSONIAN.

1 40 1.K

public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 Case Number: 92-92-A SE/S Sumit Avenue, 1900' SW of Davis Road 10919 Sumit Avenue 2nd Election District 1st Councilmanic Petitioner(s): John Williams Hearing Date: Friday, Oct. 18, 1991 at 9:00 a.m. Vertence: to permit a side years setback of 25 feet in lieu of the re**CERTIFICATE OF PUBLICATION**

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on

\$ 52.60

Baltimore County

Zoning Commission

County Office Building County Office Building 111 West Chesapeake Avenue enter of a large but the CANGO

Bultimore County Zoning Commisioner County Office Building 111 West (nesapeake Avenue

-44049011647(PR) -94-1912433910-14-11

City and State Attorney's Telephone No.: _____

Contract Purchaser/Lessee:

(Type or Print Name)

City and State

Attorney for Pelitioner:

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

MATE: 10 - 8 - 91

1 West Chesapeake, Avenue

5w son, MD 2120 i

887 3353

John Williams Box 11350, Route 99 Marriottsville, Maryland 21104

Case Number: 92-92-A SE/S Sumit Avenue, 1900' SW of Davis Road 10919 Summit Avenue 2nd Election District - 1st Councilmanic Petitioner(s): John Williams HEARING: FRIDAY, OCTOBER 18, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 77.60 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue

JEPTEMBER 13, 1991

Towson, MD 2120+

NN 4454

NOTICE OF HEARING

The Zonino Zomissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore 'ounty will hold a public hearing on the property identified herein in Room 106 of the County Office Building, rocated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 32-92-A SE/S Sumit Avenue, 1900' SW of Davis Road 10919 Summit Avenue 2nd Election District - 1st Councilmanic Petitioner(s): John Williams HEARING: FRIDAY, OCTOBER 18, 1991 at 9:00 a.m.

Variance to permit a side yard setback of 25 feet in lieu of the required 50 foot side yard setback.

J. Robert flaires

Baltimore County

Loning Commissioner of

cc: John Williams

Whit 1080-92 >

BALT MORE COUNTY, MARY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

September 3, 1991

Arnold Jablon, Director Zoning Administration and Development Management

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #89, Zoning Advisory Committee Meeting of September 3, 1991, John Williams SE/S Summit Avenue, 1900' SW of Davis Road (#10919 Summit Avenue), D-2, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Soil percolation tests must be conducted.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

SSF:rmp 89ZNG/GWRMP

111 West Chesapeake Avenue Towson, MD 21204

October 1, 1991

Baltimore County Government Office of Zoning Administration

and Development Management

Office of Planning & Zoning

887-3353

Mr. John Williams Box 11350, Rte 99 Marriottsville, MD 21104

> RE: Item No. 89, Case No. 92-92-A Petitioner: John Williams Petition for Variance

Dear Mr. John Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

Petitioner's Attorney:

Petitioner: John Williams

26th day of August, 1991.

- 111 West Chesapeake Avenue

Towson, MD 2120+

Baltimore County Government
Office of Zoning Administration

887 3353

and Development Management

Office of Planning & Zoning

Your petition has been received and accepted for filing this

Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for September 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 55, 56, 54, 82, 85, 88, 89, 90, 93, 94, 96, 97, 98, and 99.

For Item 84, see the County Review Group comments for the St. Lukes Apartment site.

For Item 91, the previous County Review Group and Public Works Agreement comments remain in effect. For Item 92, the previous County Review Group comments

remain in effect. For Item 95, see the County Review Group comments for

For Item 101, comments are reserved for this site until the County Review Group meeting

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: September 13, 1991 Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53 Smith Property, Item No. 64 McClure Property, Item No. 65 Boehnlein Property, Item No. 66 Marx Property, Item No. 68 Buie Property, Item No. 69 Pulaski Property, Item No. 70 Wollschlager Property, Item No. 72 Bray Property, Item No. 74 Graves Property, Item No. 75 Sylvia Property, Item No. 76 Long Property, Item No. 78 Pearl Property, Item No. 79 Casey Property, Item No. 80 Edwards Property, Item No. 81 Tyson Property, Item No. 85 Skidmore Property, Item No. 88 Williams Property, Item No. 89 Restivo Property, Item No. 90

Didier Property, Item No. 97 Wesolowski Property, Item No. 102 Griffin Property, Item No. 103 Burgwin Property, Item No. 104 Ghent Property, Item No. 110 Lingg Property, Item No. 111 Bates Property, Item No. 112

Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

700 East Joppa Road, Suite 901 Towson, MD 2120+5500

SEPTEMBER 16, 1991

Baltimore County Government

Fire Department

Arreld Jahlen Director Toning Administration and Pevelopment Management Paltimore County Office Duildire Towson, MD 21204

PD: Property Cwner: JOHN WILLIAMS

#10010 SUMMIT AVENUE Location:

Item No.: 89 Zoning Agenda: SEPTEMBER 3, 1991

Contlemer:

Pursuant to your request, the referenced property has been surveyed by

JP/KEK

this Pureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Patienal Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

PLANNING Eroup Special Inspection Division

Approved 🛴

Poted and / 1 5 5 Fire Prevention Eureau

(301)8874500

Developers Engineering Livision

this site.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991

This office has no comments for item numbers 54, 82, 85, 88, 89, 90, 91, 93, 94, 96 and 97.

Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

October 7, 1991

Woodgate

Stacked Windows Add

ZONING COMMISSIONER, DEPARTMENT ZONING RICHARD F. SEIM, PLANS REVIEW CHIEF,

DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #: 89 SUBJECT:

BALTIMORE COUNTY BUILDING CODE.

PROPERTY OWNER: John Williams LOCATION: SE/S Summit Avenue, 1900' SW of Davis Road (#10919 Summit Avenue) ELECTION DISTRICT: 2nd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

COUNCILMANIC DISTRICT: 1st

() PARKING LOCATION () NUMBER PARKING SPACES

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() BUILDING ACCESS () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

(V) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

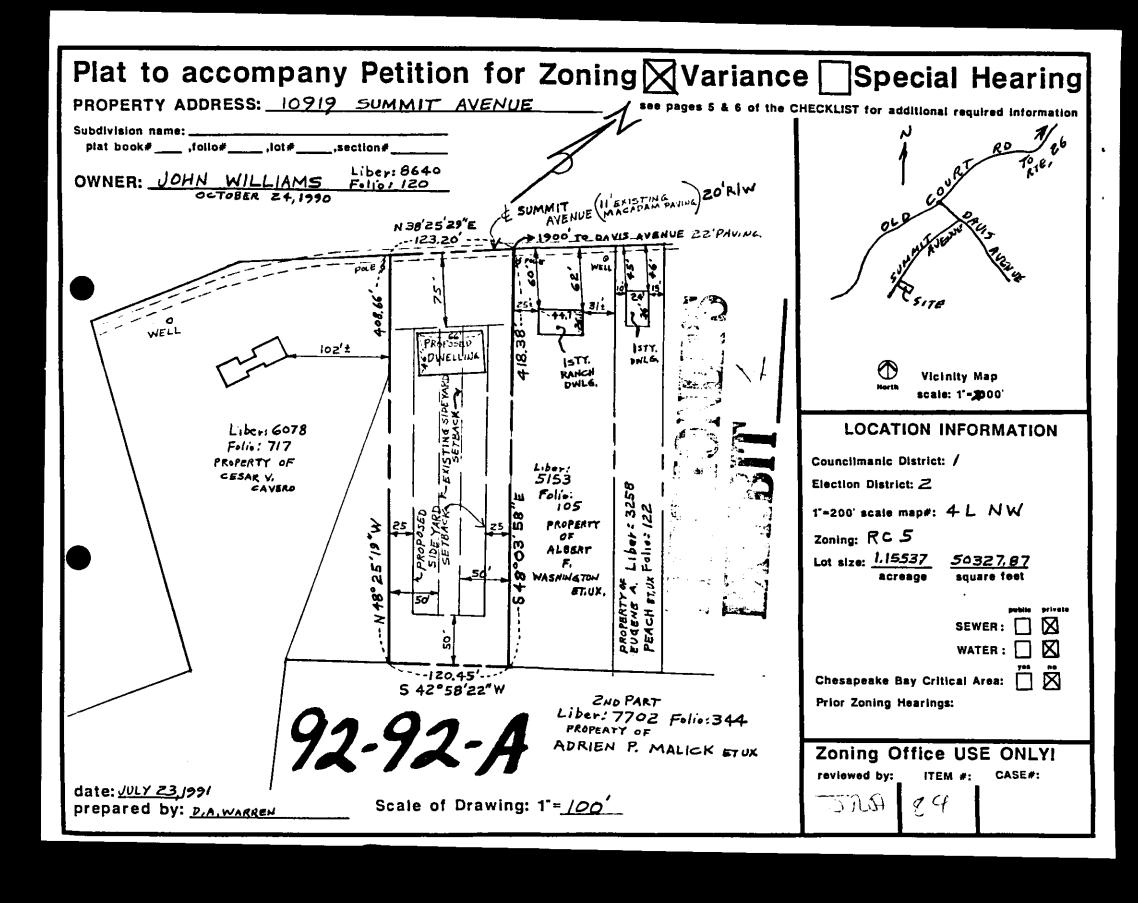
() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

() OTHER

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

Sunny Atmosphere ☐ Greenhouse graces covered entry □ Centrally located island kitchen with vaulted breakfast area provides easy deck above access to the fireplaced family room, dining room, and rear deck □ Balcony overlooking the foyer and living room links four bedrooms □ Vaulted master suite features private deck, whirlpool bath, and twin walk-TOTAL LIVING AREA - 2,710 sq. ft. Available in slab, crawl, and basement foundation options ELEVATION A PLAN NO. 84060-99



92-92-A

PETITIONER'S EXHIBIT# =







PETITIONER'S EXHIBIT#



AVENUE





DR. CESAR VALLE CAVERO, M.D.

10927 SUMMIT AVENUE **GRANITE, MARYLAND 21163**

October 14, 1991

to WHOM IT MAY CONCERN:

I, CesAR VALLE CAVERO, RESIDENT AND OWNER of the house and property Located At 10927 Summit AUG. IN GRANITE, MARYLAND IN BAL. Timere County, DO NOT HAVE ANY Objection to the VARIANCE CASE # 92-92-A to PERMIT A SIDE YARD SET BACK OF 25 Ft. IN Lieu of the Required 50 ft. SIDE YARD SET BACK.

SIGNED IN GRANITE, MARYLAND, ON this DAY OF OCTOBER THE FOURTEENTH OF THE YEAR MINETEEN HUMDRED MINETY ONE.

> Cerar Ville Covers W.D. CESAR VALLE CAVERO



To Whom it may Concern,

We have no objections to Mr. Williams building his home on the lot next to us, with a side yard set back of twenty-five feet in lien of the required fifty feet side yard set back.

Sincerely,

Albert and Vernice Washington

allest - Jemie Washington

